UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,278	12/22/2004	Marcel Wong	9342-11	8905

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EXAMINER
MILLER, BRANDON J

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/519,278	WONG ET AL.
	Examiner	Art Unit	
	Brandon J. Miller	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 May 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-12 and 15-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-12 and 15-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 December 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-12, and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Boltz et al. (US 6,044,275) in view of Starkovich et al. (US 2002/0197995 A1) and Patil (US

6,625,460 B1).

Regarding claim 1 Boltz teaches a method of automatically sending electronic messages

from a portable communication device to a selected recipient (see col. 5, lines 1-8). Boltz

teaches retrieving date information from an electronic date determination unit; and automatically

sending a pre-configured electronic message over a network to the recipient based on the date

information (see col. 4, lines 63-67 and col. 5, lines 1-8). Boltz does not specifically teach

retrieving first recipient related information from an electronic contact register, the first recipient

related information being date information associated with the recipient, and sending the

message based on date information and recipient information. Starkovich teaches retrieving user

defined event information from memory, the user defined event information being date

information associated with a recipient, and sending the message based on user defined event

information (see paragraphs [0024] & [0029], user defined event information relates to date

information associated with the recipient because the message is pre-configured to be sent to a

single recipient and the user defined event information specifies a particular time and/or date for

when the message is to be transmitted (paragraphs [0021] & [0022])). Patil teaches retrieving

recipient related information from an electronic contact register (see col. 4, lines 48-54 & 63-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to make the device adapt to include retrieving first recipient related information from an

electronic contact register, the first recipient related information being date information

associated with the recipient, and sending the message based on date information and recipient

information because Boltz is concerned with delivering a message to an end party according to

time and date information and it would allow for improved message delivery based on specific

dates.

Regarding claim 4 Boltz and Starkovich teach a device as recited in claim 1 except for

retrieving second recipient related information from the electronic contact register; and

automatically sending the pre-configured electronic message over the network to the recipient

based on the second recipient information. Starkovich does teach retrieving other user defined

event related information from memory; and automatically sending the pre-configured electronic

message over the network to the recipient based on the other user defined event information (see

paragraph [0026], other user defined event information relates second recipient related

information because the message is pre-configured to be sent to a single recipient and the other

user defined event information specifies another parameter for when the message is to be

transmitted (paragraphs [0022] & [0026])). Patil does teach an electronic contact register (see

col. 4, lines 48-54 & 63-67). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to make the device adapt to include retrieving second recipient

related information from the electronic contact register; and automatically sending the pre-

configured electronic message over the network to the recipient based on the second recipient

information because this would allow for improved message delivery based on specific

parameters.

Regarding claim 5 Starkovich teach wherein the second recipient related information is a

message flag (see paragraphs [0026], message flag includes parameters that triggers transmission

of the message).

Regarding claim 6 Patil teaches prompting a user, after retrieving date and recipient

related information, about sending the message; and sending the message if the user has accepted

sending (see col. 5, lines 32-43).

Regarding claim 7 Patil teaches retrieving a name of the recipient from the contact

register; and inserting the name into the message prior to sending (see col. 6, lines 15-22).

Regarding claim 8 Starkovich teaches sending the message directly to a terminal of the

recipient (see paragraph [0021] & [0024]).

Regarding claim 9 Starkovich teaches wherein the message is sent to a remote server,

which pushes it to a terminal of the recipient (see paragraph [0025]).

Regarding claim 10 Patil teaches wherein contact information about a recipient is first

received from a remote server and then placed in the contact register (see col. 5, lines 60-65).

Regarding claim 11 Patil teaches wherein the contact register is a register containing

previously stored information about contacts and how these can be reached (see col. 5, lines 60-

65 and col. 6, lines 1-5).

Regarding claim 12 Boltz teaches a portable communication device for automatically

sending electronic messages to a selected recipient (see col. 5, lines 1-8). Boltz teaches an

electronic date determination unit, a message transfer unit; and a pre-configured message store

(see col. 4, lines 63-67 and col. 5, lines 1-8). Boltz teaches a control unit configured to retrieve

date information from the electronic date determination unit and effectuating automatic sending

of a pre-configured electronic message to the recipient based on the date information (see col. 4,

lines 63-67 and col. 5, lines 1-8). Boltz does not specifically teach an electronic contact register,

first recipient related information relating to a recipient from the electronic contact register and

sending the message based on date information and first recipient information; wherein the first

recipient related information is date information associated with the recipient. Starkovich

teaches user defined event information relating to a recipient stored in memory and sending the

message based on user defined event information; wherein the user defined event information is

date information associated with a recipient (see paragraphs [0024] & [0029], user defined event

information relates to date information associated with the recipient because the message is pre-

configured to be sent to a single recipient and the user defined event information specifies a

particular time and/or date for when the message is to be transmitted (paragraphs [0021] &

[0022])). Patil teaches retrieving recipient related information from an electronic contact register

(see col. 4, lines 48-54 & 63-67). It would have been obvious to one of ordinary skill in the art at

the time the invention was made to make the device adapt to include an electronic contact

register, first recipient related information relating to a recipient from the electronic contact

register and sending the message based on date information and first recipient information;

wherein the first recipient related information is date information associated with the recipient

because Boltz is concerned with delivering a message to an end party according to time and date information and it would allow for improved message delivery based on specific dates.

Regarding claim 15 Boltz, Starkovich, and Patil teach a device as recited in claim 4 and is rejected given the same reasoning as above..

Regarding claim 16 Boltz, Starkovich, and Patil teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 17 Boltz, Starkovich, and Patil teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 18 Boltz, Starkovich, and Patil teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 19 Boltz, Starkovich, and Patil teach a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 20 Boltz, Starkovich, and Patil teach a device as recited in claim 9 and is rejected given the same reasoning as above.

Regarding claim 21 Boltz, Starkovich, and Patil teach a device as recited in claim 10 and is rejected given the same reasoning as above.

Regarding claim 22 Boltz teaches a communication device that is a cellular phone (see col. 4, lines 20-27 and FIG. 3).

Regarding claim 23 Boltz, Starkovich, and Patil teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 24 Boltz teaches a method of automatically sending electronic messages from a portable communication device to a selected recipient (see col. 5, lines 1-8). Boltz

teaches retrieving date information from an electronic date determination unit; and automatically sending a pre-configured electronic message over a network to the recipient based on the date information (see col. 4, lines 63-67 and col. 5, lines 1-8). Boltz does not specifically teach a computer program product stored on a computer readable medium, retrieving first recipient related information from an electronic contact register, the first recipient related information being date information associated with the recipient, and sending the message based on date information and recipient information. Starkovich teaches a computer program product stored on a computer readable medium (see paragraph [0012]. Starkovich teaches retrieving user defined event information from memory, the user defined event information being date information associated with a recipient, and sending the message based on user defined event information (see paragraphs [0024] & [0029], user defined event information relates to date information associated with the recipient because the message is pre-configured to be sent to a single recipient and the user defined event information specifies a particular time and/or date for when the message is to be transmitted (paragraphs [0021] & [0022])). Patil teaches retrieving recipient related information from an electronic contact register (see col. 4, lines 48-54 & 63-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a computer program product stored on a computer readable medium, retrieving first recipient related information from an electronic contact register, the first recipient related information being date information associated with the recipient, and sending the message based on date information and recipient information because Boltz is concerned with delivering a message to an end party according to time and date information and it would allow for improved message delivery based on specific dates.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-12, and 15-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Myka et al. Pub. No.: US 2005/0289216 A1 discloses providing personalized services for mobile users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 14, 2006

GEORGE ENG
SUPERVISORY PATENT EXAMINER